

taken and the Chair announced the result.

Immediately thereafter, the following exchange transpired:

MR. [DELBERT L.] LATTA [of Ohio]: Mr. Chairman, I was in the Chamber before the Chair announced the vote. Is it too late to cast my vote?

THE CHAIRMAN:⁽¹⁰⁾ It is now too late since the vote has been announced.

§ 36. Casting Votes After the Roll Call; Effect of Announcement of Result

In General

§ 36.1 A Member may not be recorded on a yea and nay vote after the result of the vote has been announced.

On Mar. 29, 1962,⁽¹¹⁾ after a roll call vote on a bill (H.R. 10650) to amend the Internal Revenue Code of 1954, Mr. Carroll D. Kearns, of Pennsylvania, rose to address the Chair with the following statement:

MR. KEARNS: Mr. Speaker, I was standing behind the rail eulogizing our great Speaker after Drew Pearson's article about him. I was here and qualify and vote "no" on the last vote.

THE SPEAKER:⁽¹²⁾ The Chair regrets that the gentleman cannot be recorded

after the vote has been announced. The gentleman can state for the Record that he would have voted "no."⁽¹³⁾

Effect of Presence in Chamber

§ 36.2 A Member who is present in the Chamber but fails to cast his vote cannot be recorded after the announcement of the result.

On July 18, 1967,⁽¹⁴⁾ after a roll call vote on a bill (H.R. 11456) making appropriations for the Department of Transportation, Mr. William L. Scott, of Virginia, rose and addressed the Chair as follows:

MR. SCOTT: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The gentleman will state it.

MR. SCOTT: Mr. Speaker, I was here when the vote was taken on the final passage of the bill appropriating funds for the Department of Transportation, and I intended to vote "yea" on that bill.

Frankly, Mr. Speaker, I am not sure I voted. My vote is not recorded.

Can I at this time, having been present on the floor, cast my vote in the affirmative?

THE SPEAKER PRO TEMPORE: The Chair will advise the gentleman he cannot do that, since the result on the vote has already been announced.

10. John J. Rooney (N.Y.).

11. 108 CONG. REC. 5432, 5438, 87th Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. See also 87 CONG. REC. 7075, 77th Cong. 1st Sess., Aug. 12, 1941.

14. 113 CONG. REC. 19274, 19300, 90th Cong. 1st Sess.

15. Carl Albert (Okla.).

§ 36.3 A Member who was in the Chamber but who did not respond during a roll call vote may not be recorded after the Chair has announced the result.

On June 1, 1972,⁽¹⁶⁾ after a roll call⁽¹⁷⁾ vote on a bill (H.R. 13918) to provide improved financing for the Corporation for Public Broadcasting, Mr. Walter Flowers, of Alabama, made the following statement:

MR. FLOWERS: Mr. Speaker, on the last vote I was in the Chamber, and desire to be recorded.

THE SPEAKER: Did the gentleman answer when his name was called?

MR. FLOWERS: No, Mr. Speaker, I did not. I did not realize the rollcall had been completed.

THE SPEAKER: The gentleman cannot qualify after the result of the vote has been announced unless he can state he answered.

MR. FLOWERS: Mr. Speaker, had I qualified I would have voted "yea."

Unanimous-consent Requests

§ 36.4 After the announcement of the result of a vote, a Member may not be recorded, even by unanimous consent.

16. 118 CONG. REC. 19485, 92d Cong. 2d Sess.

17. The vote was conducted pursuant to Rule XV. See Rule XV, *House Rules and Manual* §§ 765–774(b) (1973).

On Mar. 12, 1959,⁽¹⁸⁾ the House resolved itself into the Committee of the Whole for the consideration of a bill (S. 50) to provide for the admission of the state of Hawaii into the Union. Following debate thereon, the Speaker put the question on its passage, the question was taken; and (the yeas and nays having been ordered), there were—yeas 323, nays 89, not voting 22. The result of the vote was announced, and a motion to reconsider was laid on the table.

Immediately thereafter, Mr. Clarence Cannon, of Missouri, initiated the following proceedings:

MR. CANNON: Mr. Speaker, I was in the well and I ask that my name be recorded as voting in the affirmative.

THE SPEAKER:⁽¹⁹⁾ The gentleman cannot be recorded after the announcement of the vote unless he voted during the rollcall.

MR. CANNON: Mr. Speaker, I ask unanimous consent that the Record be revised. I was standing here in the well.

THE SPEAKER: The gentleman cannot be recorded by unanimous consent, if he did not vote. If the gentleman voted and wants to correct the Record and say that he is not recorded, he may do that but he cannot be recorded as voting if he did not vote.⁽²⁰⁾

18. 105 CONG. REC. 4006, 4038, 4039, 86th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

20. A similar request was also denied where a Member had remained in

§ 36.5 The Speaker has refused to recognize a Member for the purpose of offering a unanimous-consent request that certain other Members who were absent for a record vote on the preceding day be permitted to have their votes recorded, belatedly.

On Mar. 16, 1971,⁽¹⁾ the House voted to agree to the conference report on a bill (H.R. 4690) raising the public debt limit. A joint resolution (H.J. Res. 465) making a supplemental appropriation for the Department of Labor was also passed on the same day. A number of Members, desirous of voting on both measures, were absent because they were under the impression that neither question would be put that day.

Accordingly, on Mar. 17, 1971,⁽²⁾ Mr. Leslie C. Arends, of Illinois, addressed the Speaker with the following request:

MR. ARENDS: At this particular time I have no intention of pointing my finger at any one or of being personally critical. However, let me state that last Thursday I was privileged to ask the

his seat during the roll call, but was conferring with another Member and neglected to vote. See 106 CONG. REC. 10206, 86th Cong. 2d Sess., May 12, 1960.

1. 117 CONG. REC. 6742, 6746, 92d Cong. 1st Sess.
2. *Id.* at p. 6809.

majority leader what the legislative program would be for this week. He carefully informed me, after which I sent such notice to the Members on our side of the aisle, just as they did on the majority side.

Particularly noticeable was this statement:

"Tuesday: Private Calendar. No bills."

At the bottom of the list there was no such statement that conference reports could be called up at any time. All Members relied on such information and accordingly 70 Members were not in attendance for one reason or another when two rollcalls were taken. Many of our Members have now called me, rather critical of the fact that we had sent this information to them and they were not here.

Accordingly, Mr. Speaker, I want to at this time do something unprecedented, very much unprecedented. I am now going to ask unanimous consent of the House of Representatives to permit any absentee yesterday, in view of the fact that they were misinformed, to cast their vote on the two bills that passed this House yesterday.

THE SPEAKER:⁽³⁾ The Chair will not recognize the gentleman for that purpose.⁽⁴⁾

Where Signal Bells Failed To Ring

§ 36.6 The Speaker has declined to recognize a Member

3. Carl Albert (Okla.).
4. For a comparable instance, see 94 CONG. REC. 1008, 80th Cong. 2d Sess., Feb. 3, 1948, where a Member similarly sought unanimous consent to be recorded after announcement of the vote but encountered objection thereto.

seeking unanimous consent to be recorded after the result of a roll call vote was announced—despite such Member’s assertion that the signal bells failed to ring in his office.

On June 9, 1938,⁽⁵⁾ the House entertained consideration of a resolution (H. Res. 482) pertaining to a contested New Hampshire election in the 75th Congress. The resolution having been divided into its substantive clauses, the House agreed to the first resolve which denied the seat to one of the contestants and proceeded to vote on the second resolve which granted the seat to the other.

As with the first resolve, the yeas and nays were demanded on the second portion of the resolution, and the demand was supported by a sufficient number of Members. This resolve was also agreed to, and the result of the vote was announced.

Shortly thereafter, Mr. Hamilton Fish, Jr., of New York, addressed the Speaker with the following statement:

MR. FISH: Mr. Speaker, the bells did not ring on the first roll call.⁽⁶⁾ In view of that fact, I ask unanimous consent

that the gentleman from Minnesota, Mr. Knutson, and I may be permitted to vote “nay” on the first roll call.

THE SPEAKER:⁽⁷⁾ The Chair cannot entertain a unanimous-consent request for that purpose.

MR. FISH: I want the Record to show we would have voted “nay.”

THE SPEAKER: The Chair will, of course, recognize the gentleman to state how he would have voted had he been present.⁽⁸⁾

Parliamentarian’s Note: Electronic bell system error has never historically been held to constitute a permissible reason for failure to cast a particular vote in time. Prior to its amendment in 1969, Rule XV, as enforced, required that “. . . a Member who had failed to respond on either the first or second call of the roll could not be recorded before the announcement of the result [citations omitted] unless he ‘qualified’ by declaring that he had been within the Hall, listening, when his name should have been called and failed to hear it [citations omitted], and then only on the theory that his name may have been inadvertently omitted by the Clerk [citation omitted].”⁽⁹⁾ As a result, there were several instances of Members seeking to

5. 83 CONG. REC. 8660–62, 75th Cong. 3d Sess.

6. Mr. Fish was referring, here, to the roll call vote on the first resolve.

7. William B. Bankhead (Ala.).

8. See also § 41, *infra*.

9. Rule XV clause 2, *House Rules and Manual* § 765 (1995).

qualify after missing the call of their names on the ground that the signal bells in their offices failed to ring. The requests were denied, however, unless the circumstances fell within the confines of the narrowly-prescribed exception.⁽¹⁰⁾

§ 37. Changing Incorrectly Recorded Votes Prior to Announcement of Result

Deleting Vote Attributed to Absent Colleague; Use of Unanimous Consent

§ 37.1 A Member, ascertaining that an absent colleague had been inadvertently recorded on a roll call vote, had the vote deleted by unanimous consent.

On June 13, 1963,⁽¹¹⁾ the House voted on a bill (H.R. 6755) to provide a one-year extension of certain corporate tax rates and excise tax rates. Immediately thereafter and before the result of the vote was announced, Mr. John D. Dingell, of Michigan, initiated the fol-

lowing exchange with the Speaker:⁽¹²⁾

MR. DINGELL: Mr. Speaker, how is the gentleman from Michigan [Mr. Ryan] recorded?

THE TALLY CLERK: He voted "aye."

MR. DINGELL: Mr. Speaker, the gentleman from Michigan [Mr. Ryan] is unavoidably detained elsewhere on official business. I ask unanimous consent that the Record be corrected accordingly.

THE SPEAKER: Without objection, it is so ordered.

No objection being voiced, the Record was corrected accordingly.

§ 37.2 The Minority Leader, by unanimous consent, corrected a roll call vote to delete an erroneously recorded absent colleague's vote.

On Aug. 12, 1963,⁽¹³⁾ the House voted on a motion to recommit a bill (H.R. 7525) relating to crime and criminal procedure in the District of Columbia. Shortly thereafter, but prior to the Chair's announcement of the result, Charles A. Halleck, of Indiana, the Minority Leader, initiated the following exchange:

MR. HALLECK: Mr. Speaker, I would like to inquire whether the gentleman from North Dakota is recorded as having voted.

12. John W. McCormack (Mass.).

13. 109 CONG. REC. 14758, 14759, 88th Cong. 1st Sess.

10. See, for example, 103 CONG. REC. 13365, 85th Cong. 1st Sess., Aug. 1, 1957; and 94 CONG. REC. 7161, 80th Cong. 2d Sess., June 4, 1948.

11. 109 CONG. REC. 10870, 10871, 88th Cong. 1st Sess.